

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

Handwritten: N.Y.K. R-II

FILE: B-220216.2 DATE: January 15, 1986
MATTER OF: Walker's Freight Line

DIGEST:

1. Award to a firm, one of whose officials is a former employee of the contracting agency does not automatically indicate that the award resulted from improper influence or a conflict of interest.
2. Protest is dismissed with respect to issues first raised in the protester's comments on the administrative report, since those issues were not protested within 10 days of the date the basis of protest were known, or should have been known, to the protester.

Walker's Freight Line (Walker) protests the award of a contract to Bill White, Inc. (White), under invitation for bids No. CS-LA-85-30, issued by the United States Customs Service, Los Angeles District, for cartage services. Walker contends that it is better qualified than the awardee and alleges that there was a conflict of interest in the award of the contract to White. We deny the protest in part and dismiss it in part.

In its protest, Walker states that "[t]here is a hint of foul play" in the agency's award to White because White's vice president is a former District Director of the Los Angeles office of the Customs Service. Walker, however, has submitted no evidence tending to show that the former Customs Service employee exerted improper influence on behalf of White or that White received any improper consideration, and we find no such evidence in the record. The incidence of a former government employee's subsequent employment with an awardee is not, alone, sufficient to establish that the award resulted from improper influence. BOW Industries, Inc., B-216512, Apr. 17, 1985, 85-1 C.P.D. ¶ 436 at 4. Since Walker has presented no evidence supporting its contention, we find no basis to conclude that there was any improper influence or conflict of interest inherent on the award.

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In its comments on the agency report, the protester expands its bases of protest beyond that articulated in its initial protest. Walker maintains that although White is a licensed and bonded cartman, White does not possess certain operating authorities required by state and federal authorities, as well as by the solicitation. Walker also charges that White's bid was below the applicable tariff rate.

These allegations, which essentially concern matters of bidder responsibility, are untimely. The contract was awarded on August 27 and, according to the agency, all bidders were notified of the award on that date. Certainly the protester had notice of the award to White at the latest by September 12, the date of its original protest. Under our Bid Protest Regulations, a protest must be filed within 10 days of the date the basis of the protest is known, or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1985). Where a protester initially files a timely protest and later supplements it with new and independent grounds for protest, those subsequently raised allegations must independently satisfy the timeliness requirements. Our Regulations do not contemplate the unwarranted piecemeal development of protests. Siska Construction Co., Inc., B-218428, June 11, 1985, 85-1 C.P.D. ¶ 669. Since the protester's challenge to the awardee's responsibility was not filed with our Office until November 18--almost 2 months after the initial protest letter--it is untimely.

The protest is denied in part and dismissed in part.

for *Seymour E. Fine*
Harry R. Van Cleve
General Counsel